

REMARKS

This application has been reviewed in light of the Office Action dated January 15, 2003. Claims 1-18 are presented for examination, of which Claims 1, 10, and 18 are in independent form. Claims 1, 2, 6, 10, 11, 14, and 18 have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

The Office Action states that Claims 1-16 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,608,786 (Gordon); and states that Claim 17 is rejected under § 103(a) as being unpatentable over Gordon in view of U.S. Patent No. 5,521,719 (Yamada). Applicant submits that independent Claims 1, 10, and 18, together with the claims dependent thereon, are patentably distinct from Gordon for at least the following reasons.

The aspect of the present invention set forth in Claim 1 is directed to a communication apparatus connected to a communication network. The apparatus includes destination designating means, input means, facsimile communication means, encryption means, electronic-mail communication means, communication designating means, security designating means, and control means.

The destination designating means designates a destination apparatus, and the input means inputs transmission information to be transmitted to the designated destination apparatus without using the communication network. The facsimile communication means transmits the inputted transmission information to the destination apparatus in accordance with facsimile communication specifications. The encryption means encrypts the inputted transmission information without using the communication network.

The electronic-mail communication means transmits the transmission information inputted by the input means or encrypted by the encryption means to a destination apparatus in accordance with electronic-mail specifications. The communication designating means causes transmission of the transmission information by selecting either the facsimile communication means or the electronic-mail communication means. The security designating means designates whether the transmission information is confidential information.

The control means controls the facsimile communication means, the encryption means, and the electronic-mail means such that, if the transmission information has been designated as being confidential information by the security designating means, the facsimile communication means transmits the transmission information to the destination apparatus by facsimile transmission through the communication network, when the facsimile communication means has been designated by the communication designating means, and the electronic-mail communication means sends the encrypted transmission information to the destination apparatus by electronic mail through the communication network, when the electronic-mail communication means has been designated by the communication designating means.

A feature of Claim 1 is that inputted transmission information is transmitted to a destination apparatus through a communication network by facsimile or by e-mail based on a designated communication mode (facsimile or e-mail). If the transmission information is designated to be confidential, and transmission by facsimile is designated, the transmission information is transmitted by facsimile through the communication network. If the transmission information is designated to be confidential, and transmission by e-mail is designated, the

transmission information is encrypted prior to transmission through the communication network.

The inputted transmission information is not a fax number or an e-mail address but instead is contents (a document or an image) to be transmitted to the destination apparatus. Also, the inputted transmission information is inputted without using the communication network.

According to Claim 1, because the transmission information is transmitted by facsimile transmission or is encrypted and then transmitted by e-mail, the transmission information will never be communicated via the communication network without being encrypted and then transmitted by e-mail or transmitted by facsimile transmission. By virtue of this feature, the security of the transmission information can be maintained in the communication network. That is, the confidentiality of the transmission information is maintained.

Gordon relates to a unified messaging system. Apparently, Gordon teaches that transmission information is encrypted in a UniPost Access Node. However, because the UniPost Access Node receives the transmission information through a Public Switched Telephone Network (i.e., a public communication network) and then encrypts the received transmission information, the unencrypted transmission information necessarily is inputted using a communication network. That is, the transmission information is not encrypted prior to transmission through a communication network.

Applicant submits that in the Gordon system the security of the transmission information cannot be maintained until the UniPost Access Node receives it. However, the transmission information necessarily travels through the communication network to reach the

UniPost Access Node. That is, the unencrypted transmission information first travels through the communication network and then is encrypted. Therefore, the security of the transmission information cannot be completely ensured in the Gordon system.

Nothing has been found in Gordon that is believed to teach or suggest a communication apparatus that includes "destination designating means for designating a destination apparatus," and "input means for inputting transmission information to be transmitted to the destination apparatus designated by said destination designating means *without using the communication network*," and "encryption means for encrypting the transmission information inputted by said input means *without using the communication network*," and "control means for controlling said facsimile communication means, said encryption means, and said electronic-mail means such that, if the transmission information has been designated as being confidential information by said security designating means, said facsimile communication means transmits the transmission information to the destination apparatus by facsimile transmission through the communication network, when said facsimile communication means has been designated by said communication designating means, and said electronic-mail communication means sends the encrypted transmission information to the destination apparatus by electronic mail through the communication network, when said electronic-mail communication means has been designated by said communication designating means," as recited in Claim 1 (emphasis added).

Accordingly, Applicant submits that Claim 1 is patentable over Gordon, and respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a). Independent Claims 10 and 18 include a feature similar to that discussed above, in which transmission information is

inputted without using a communication network, and the inputted transmission information is transmitted by facsimile transmission or is encrypted and then transmitted by e-mail, so that the confidentiality of the transmission information is maintained. Therefore, those claims are believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Finally, Applicant notes that Yamada discloses that a communication network includes at least a telephone network and a LAN, but is not understood to teach or suggest the feature of the independent claims discussed above and, thus, does not remedy the deficiencies of Gordon.


The present Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the present Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


Attorney for Applicant
Lock SEE YU-JAHNES
Registration No. 38,667

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 323055v1